

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA
Plaintiff,

v.

Case No. 12-CR-88

MAZHER KHAN
Defendant.

ORDER

On July 17, 2013, I sentenced defendant Mazher Khan to two years probation, six months home confinement, and \$58,150 in restitution on his convictions for trafficking contraband cigarettes. Defendant filed a notice of appeal, and the appeal remains pending in the Seventh Circuit. On September 24, 2014, defendant filed a motion for early termination of probation, indicating that he had completed the home confinement, satisfied the financial conditions, and otherwise remained compliant.

Under 18 U.S.C. § 3564(c),

The court, after considering the factors set forth in section 3553(a) to the extent that they are applicable, may, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, terminate a term of probation previously ordered and discharge the defendant at any time in the case of a misdemeanor or an infraction or at any time after the expiration of one year of probation in the case of a felony, if it is satisfied that such action is warranted by the conduct of the defendant and the interest of justice.

The court may thus grant early termination of felony probation if: (1) the defendant has served at least one year; (2) the government is given notice and an opportunity to be heard; and (3) termination is in the interest of justice based on the defendant's conduct and the pertinent sentencing factors under 18 U.S.C. § 3553(a). E.g., United States v. Kai Vang, No. 10-CR-31,

2013 WL 4054701, at *1 (E.D. Wis. Aug. 12, 2013).

IT IS ORDERED that the government file a response to the motion on or before **October 9, 2014**. The government may in its response address whether the court can or should exercise discretion under § 3564(c) while the case is on appeal.

Dated at Milwaukee, Wisconsin, this 25th day of September, 2014.

/s Lynn Adelman
LYNN ADELMAN
District Judge